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Attorneys for *Movant*

Bayview Loan Servicing, LLC., as servicer for THE BANK OF NEW YORK, AS TRUSTEE
ON BEHALF OF THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN
TRUST 2004-36CB MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-36CB

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

SCHULTE PROPERTIES LLC,

Debtor.

Bankruptcy Case No. 18-12734-mkn

Chapter 11

**BAYVIEW LOAN SERVICING, LLC.,
AS SERVICER FOR THE BANK OF
NEW YORK, AS TRUSTEE ON
BEHALF OF THE
CERTIFICATEHOLDERS CWALT,
INC., ALTERNATIVE LOAN TRUST
2004-36CB MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2004-36CB'S NOTICE OF MOTION
FOR IN REM RELIEF FROM THE
AUTOMATIC STAY**

Hearing:

Date: December 12, 2018
Time: 9:30 A.M.
Ctm: 2

TO: DEBTOR(S): SCHULTE PROPERTIES LLC
TO: ATTORNEY FOR DEBTOR(S): MATTHEW L. JOHNSON
TO: TRUSTEE:
TO: ALL PARTIES IN INTEREST

NOTICE IS HEREBY GIVEN that a Motion for In Rem Relief from the Automatic Stay (“Motion”) was filed on November 6, 2018, by Arnold L. Graff, Esq., on behalf of *movant* Bayview Loan Servicing, LLC., as servicer for THE BANK OF NEW YORK, AS TRUSTEE ON BEHALF OF THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2004-36CB MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-36CB (“Movant”) so that Movant may avail itself of applicable state law in foreclosing its security interest in the collateral. The real property is located at: 1701 Empire Mine Drive, Henderson, Nevada 89014-4081. The motion seeks relief from stay on real property presently in possession of the Debtor herein. Any opposition must be filed pursuant to Local Rule 9014(d)(1).

NOTICE IS FURTHER GIVEN that if you do not want the court to grant the relief sought in the Motion, or if you want the court to consider your views on the Motion, then you must file an opposition with the court, and serve a copy on the person making the Motion ***no later than 14 days*** prior to the hearing on the Motion. If the hearing date has been set on less than 14 days’ notice, then the opposition must be filed and served ***no later than 5 business days*** before the hearing. The opposition must state your position, set forth all relevant facts and legal authority, and be supported by affidavits or declarations that conform to Local rule 9014(c).

If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the court, or if you do not serve your written response on the person who sent you this notice then:

- The court may *refuse to allow you to speak* at the scheduled hearing, and
- The court may *rule against you* without formally calling the matter at the hearing.

NOTICE IS FURTHER GIVEN that the hearing on the said Motion will be held before a United States Bankruptcy Judge, in the Foley Federal Building 300 Las Vegas Boulevard South Bankruptcy Courtroom Third Floor Las Vegas, Nevada on December 12, 2018 at the hour of 9:30 A.M.

SPECIAL NOTICE

In the event the provisions of the **Federal Fair Debt Collection Practice Act** are deemed applicable hereunder, please note that this communication is an attempt to collect a debt and any information obtained during the pendency hereof will be used for that purpose.

Unless you notify this office, in writing, within thirty (30) days after being served herewith, that you dispute the validity of the debt stated herein or any portion thereof, this office will assume that the subject debt is valid. If you notify this office, in writing, within thirty (30) days after being served herewith that you dispute the validity of the debt stated herein or any portion thereof, this office will obtain verification of the debt or obtain a copy of the judgment and mail the same to you. If you so request, in writing, that this office do so within thirty (30) days after being served herewith, this office will provide you with the name and address of the original creditor, if different from the current creditor.¹

Respectfully submitted,

ALDRIDGE PITE, LLP

Dated: November 6, 2018

/s/ Arnold L. Graff

ARNOLD L. GRAFF

Attorneys for *Movant* BAYVIEW LOAN
SERVICING, LLC., AS SERVICER FOR
THE BANK OF NEW YORK, AS
TRUSTEE ON BEHALF OF THE
CERTIFICATEHOLDERS CWALT, INC.,
ALTERNATIVE LOAN TRUST 2004-
36CB MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-36CB

¹Please take notice that this Motion has been set for hearing and served pursuant to governing Local Rules of Practice.